

# Qualified Inspectors

## Official Code of Georgia Annotated (O.C.G.A.)

### Section 8-2-26.1

(Effective July 1, 2000)

“(a) As used in this Code section, the term:

(1) 'ICC' means the International Code Council.

(2) 'Qualified inspector' means:

(A) A person inspecting for compliance with the International Building Code or the building portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a building inspector;

(B) A person inspecting for the compliance of residential buildings with the National Electrical Code or the electrical portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a residential electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;

(C) A person inspecting for the compliance of nonresidential buildings with the National Electrical Code who holds a certification from the ICC as a commercial electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;

(D) A person inspecting for compliance with the International Fuel Gas Code who holds a certification from the ICC as a mechanical inspector or plumbing inspector or a conditioned air contractor, journeyman plumber, or master plumber license from the State Construction Industry Licensing Board;

(E) A person inspecting for compliance with the International Mechanical Code or the mechanical portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a mechanical inspector or a conditioned air contractor license from the State Construction Industry Licensing Board;

(F) A person inspecting for compliance with the International Plumbing Code or the plumbing portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a plumbing inspector or a journeyman plumber or master plumber license from the State Construction Industry Licensing Board;

(G) A person inspecting for compliance with any portion of the International Residential Code for One- and Two-Family Dwellings who holds a certification from the ICC as a one and two-family dwelling inspector;

(H) A person inspecting for compliance with the International Energy Conservation Code for Buildings who has completed eight hours of training that is conducted or approved by the department; or

(I) A person inspecting for compliance with any of the codes listed in subparagraphs (A) through (H) of this paragraph who holds a certificate of registration as a professional engineer issued under Chapter 15 of Title 43 and is practicing within the scope of his or her branch of engineering expertise while conducting such inspection.

(3) 'State Construction Industry Licensing Board' means that board created pursuant to Code Section 43-14-3.

(b) The governing authority of any municipality or county which has adopted provisions for the enforcement of the state minimum standard codes shall post a notice stating whether the personnel employed by that governing authority to conduct inspections for compliance with such codes are qualified inspectors. Such notice shall separately address each minimum standard code enumerated in subdivisions (9)(A)(i)(I) through (9)(A)(i)(VIII) or (9)(B)(i)(I) through (9)(B)(i)(VIII) of Code Section 8-2-20 and the building, electrical, mechanical, and plumbing portions of the International Residential Code for One- and Two-Family Dwellings, and state whether all personnel assigned to conduct inspections for the particular code or portion of the code are qualified inspectors for that code or portion of the code.

(c) If such notice states that not all personnel assigned to conduct inspections for a particular state minimum standard code or portion of such code are qualified inspectors for that code or portion of the code, then the governing authority may retain qualified inspectors not employed by the governing authority to conduct inspections. If the governing authority does not so retain qualified inspectors, then any person, firm, or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a person who is a qualified inspector for that code or portion of the code and who is not an employee of or otherwise affiliated with or financially interested in such person, firm, or corporation to provide the required inspection.

(d) The person, firm, or corporation retaining a qualified inspector to conduct an inspection pursuant to this Code section shall be required to pay to the county or municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector.

(e) A qualified inspector retained pursuant to this Code section shall be empowered to perform any inspection required by the governing authority of any county or municipality, including but not limited to inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the governing authority of any county or municipality; provided, however, that the qualified inspector must possess the qualifications described in paragraph (2) of subsection (a) of this Code section for the particular type of inspection. Any inspection conducted pursuant to this Code section shall be no less extensive than an inspection conducted by a county or municipal inspector.

(f) Upon submission by the qualified inspector of a copy of his or her inspection report to the local governing authority, said local governing authority shall be required to accept the inspection of the qualified inspector without the necessity of further inspection or approval by the inspectors or other personnel employed by the local governing authority unless said governing authority has notified the qualified inspector, within two business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the qualified inspector with a written description of the deficiencies and specific code requirements that have not been adequately addressed.

(g) Nothing in this Code section shall be construed to apply to inspections for compliance with a state or local fire safety standard or erosion control standard.

(h) Nothing in this Code section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers."

- **Requires** the governing authority of a municipality or county which has adopted provisions for the enforcement of the state minimum standard codes to post a notice stating whether the local inspectors possess certain qualifications.
- **Provides** that persons possessing certain qualifications may conduct inspections to determine code compliance if the municipal or county inspectors do not possess such qualifications.

## Guidelines

1. Deals with qualified inspectors.
2. Provides definitions of Qualified Inspectors.
3. Requires that all local inspection departments post a Notice stating whether the inspectors employed by that governing authority are qualified inspectors as defined by the code section (please see the attached model Notice of Qualified Inspectors).
4. Allows a local jurisdiction to retain qualified inspectors not employed by the local jurisdiction to conduct inspections in areas for which there is no qualified inspector.
5. If the local jurisdiction does not employ or retain such qualified inspectors, then a permit holder shall have the option of retaining a qualified inspector for that particular inspection.
6. The permit holder bears all expenses in obtaining an outside qualified inspector, including the permit fees and charges which would have been required had the inspection been conducted by a local jurisdiction inspector. This outside inspector must meet the requirements of a “qualified inspector”.
7. The outside inspector cannot be an employee or otherwise affiliated with or financially interested in the permit holder.
8. The inspection conducted by the outside inspector cannot be any less extensive than an inspection conducted by a local jurisdiction inspector.
9. The local jurisdiction must accept the written report of the outside qualified inspector without the necessity of further inspections UNLESS
10. The local jurisdiction notifies the outside inspector within two (2) business days after the submission of the report that said report is incomplete or inadequate.
11. If the report is deemed inadequate or incomplete, the local jurisdiction must provide a written description of the deficiencies and specific code requirements that have not been adequately addressed.

## Summary

A definition of "qualified inspector" is set out in the legislation. If the local inspectors do not possess such qualifications as set out in the legislation, the legislation then authorizes the permit holder, at its expense, to retain a person who is a qualified inspector to determine code compliance. Upon submission of the inspection report by the outside inspector, the local jurisdiction shall be required to accept the inspection without the necessity of further inspection or approval by the local inspection department unless the local jurisdiction notifies the outside inspector within two business days after submittal of the inspection report, that the report is

incomplete or the inspection inadequate and has provided the outside inspector a written description of the deficiencies and specific code requirements that have not been adequately addressed.